

UNITED STATES OF AMERICA
DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JANE DOE,

Plaintiff,

v.

Case No. 1:10cv95
HON. ROBERT J. JONKER

ACTIVE MACHINE & TOOL, INC.
and TIM VAN DAM,

Defendants.

ORDER ADMINISTRATIVELY CLOSING CASE

The plaintiff initiated this action in a pseudonym. She did not obtain the Court's permission to do so. Under these circumstances, the Court's jurisdiction is called into question, and this Court raised the matter in a show cause order to Plaintiff. Plaintiff has responded to the show cause order without directly addressing this problem. Counsel has, however, attached a Right to Sue letter from the EEOC addressed to an individual named Lori Johnson. A reasonable inference at this point is that Lori Johnson is the actual plaintiff in this case. If and when this case proceeds following the automatic bankruptcy stay, plaintiff will need to file an amended Complaint or other appropriate papers clarifying this issue. In light of defendant's bankruptcy filing, no further filing is appropriate at this time.

The Court has been informed that Active Machine & Tool, Inc. and Tim Van Dam, the defendants to the above-entitled action, have filed a petition in Bankruptcy. In accordance with 11 U.S.C. § 362, this civil action is automatically stayed as to the debtors until the Bankruptcy proceedings in question are terminated or the stay is lifted. 11 U.S.C. § 362(c).

The automatic stay provision of the Bankruptcy Reform Act of 1978, 11 U.S.C. § 101, et seq.

as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, halts the commencement or continuation of litigation against the debtor by adverse parties; it does not divest this court of jurisdiction to issue necessary orders in civil actions which are stayed in Bankruptcy. Connell v. Walker, 291 U.S. 1, 54 S.Ct. 257 (1934); Donald F. Duncan Inc. v. Royal Tops Mfg. Co., 381 F.2d 879 (7th Cir. 1967), cert. denied, 390 U.S. 905, 88 S.Ct. 819 (1968).

Accordingly, in the interest of the effective administration of the Court's business, without prejudice to either party to this action, and in keeping with the intent and spirit of the automatic stay provision of the Bankruptcy Reform Act, 11 U.S.C. § 362, this matter is hereby **ADMINISTRATIVELY CLOSED** with regard to Active Machine & Tool, Inc. and Tim Van Dam. This closing is for administrative purposes only and does not constitute any decision on the merits. Upon termination of the bankruptcy proceedings, or the lifting of the automatic stay regarding these instant proceedings, the Court will automatically reopen these proceedings as soon as either party notifies the Court.

IT IS SO ORDERED.

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE

Dated: April 2, 2010